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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,105	05/09/2001	Tatsuya Fukunishi	R2184.0100/P100	2323
24998	7590	10/13/2004		
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L STREET NW WASHINGTON, DC 20037-1526			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2681	PAPER NUMBER

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/851,105

Applicant(s)

FUKUNISHI, TATSUYA

Examiner

Jean A Gelin

Art Unit

2681

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 4,5,10,11,16 and 17.

Claim(s) objected to: _____

Claim(s) rejected: 1-3, 6-9, 12-15, 18.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See attached

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments filed on August 06, 2004 in which claims 4, 10, and 16 have been amended. Claims 1-18 are currently pending. Claims 19 and 20 have not been entered.

Response to Arguments

2. Applicant's arguments filed 8/6/04 have been fully considered but they are not persuasive.

The Applicant argues that Nakanishi fails to disclose the claimed invention as recited in claim 1. More specifically, Nakanishi never discloses, teaches, or suggests turning off a first cutoff switch... if the first load current is greater than a predetermined current, and Nakanishi cannot detect and does not teach detecting if the first load current is greater than a predetermined current.

However, the Examiner believes that Nakanishi discloses the claimed invention. Nakanishi teaches disconnecting one of the batteries when detecting the battery is being discharged or turning off the switch when the amount of charge reaches a predetermined threshold. This teaching of Nakanishi corresponds to the Applicant's claimed invention. Therefore, the final rejection is maintained.

The Applicant argues that claims 2, 3, and 6 depend from claim 1; claims 7-9, and 12 contain limitations that are similar to claim 1. Therefore, claims 2, 3, 6-9, and 12 are allowable. Given that claim 1 is rejected for the same reason recited in the previous Office Action based on the argument recited, claims 2, 3, 6-9, and 12 are rejected for the same reason recited in the previous Office Action mailed on 12/03/03.

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Claim 13 contains a new negative limitation, which changes the scope of the claim. The Examiner requires further search and/or consideration. All claims depend on claim 13 are rejected for the same reason recited in the previous Office Action mailed on 12/03/03.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

JGelin
October 9, 2004

